

TECHNICAL MEMORANDUM

Utah Coal Regulatory Program

September 30, 2003

TO: Internal File

FROM: Stephen J. Demczak, Environmental Scientist III/Engineering, Team Lead
Wayne H. Western, Environmental Scientist III/Engineering

RE: Update to Volume 10, PacifiCorp, Deer Creek Mine, C/015/018, Task ID #1658

SUMMARY:

The permittee has submitted an amendment to update Chapter 10, Deer Creek waste rock site. Besides updating Chapter 10, the permittee has submitted information addressing the asphaltting of the primary road leading to the Waste Rock Site.

TECHNICAL ANALYSIS:

GENERAL CONTENTS

IDENTIFICATION OF INTERESTS

Regulatory Reference: 30 CFR 773.22; 30 CFR 778.13; R645-301-112

Analysis:

No changes.

Findings

The permittee has met the minimum requirements of this section.

TECHNICAL MEMO

VIOLATION INFORMATION

Regulatory Reference: 30 CFR 773.15(b); 30 CFR 773.23; 30 CFR 778.14; R645-300-132; R645-301-113

Analysis:

No changes.

Findings

The permittee has met the minimum requirements of this section.

RIGHT OF ENTRY

Regulatory Reference: 30 CFR 778.15; R645-301-114

Analysis:

No changes.

Findings

The permittee has met the minimum requirements of this section.

LEGAL DESCRIPTION AND STATUS OF UNSUITABILITY CLAIMS

Regulatory Reference: 30 CFR 778.16; 30 CFR 779.12(a); 30 CFR 779.24(a)(b)(c); R645-300-121.120; R645-301-112.800; R645-300-141; R645-301-115.

Analysis:

The permittee has updated Chapter 10 to reflect the correct disturbed area of the waste rock site as 31.92 acres. This is now the same number used in Volume 1 in the MRP.

Findings

The permittee has met the minimum requirements of this section.

PERMIT TERM

Regulatory References: 30 CFR 778.17; R645-301-116.

Analysis:

No changes.

Findings

The permittee has met the minimum requirements of this section.

PUBLIC NOTICE AND COMMENT

Regulatory References: 30 CFR 778.21; 30 CFR 773.13; R645-300-120; R645-301-117.200.

Analysis:

No changes.

Findings

The permittee has met the minimum requirements of this section.

FILING FEE

Regulatory Reference: 30 CFR 777.17; R645-301-118.

Analysis:

No changes.

Findings

The permittee has met the minimum requirements of this section.

PERMIT APPLICATION FORMAT AND CONTENTS

Regulatory Reference: 30 CFR 777.11; R645-301-120.

TECHNICAL MEMO

Analysis:

Changes to Chapter 10 have been made. These changes meet the requirements for format and content.

Findings

The permittee has met the minimum requirements of this section.

REPORTING OF TECHNICAL DATA

Regulatory Reference: 30 CFR 777.13; R645-301-130.

Analysis:

Not all of the technical designs have been submitted. New primary road designs are required for the road to the waste rock site. A deficiency will be addressed in the engineering section of this review.

Findings

The permittee has met the minimum requirements of this section.

MAPS AND PLANS

Regulatory Reference: 30 CFR 777.14; R645-301-140.

Analysis:

No changes.

Findings

The permittee has met the minimum requirements of this section.

COMPLETENESS

Regulatory Reference: 30 CFR 777.15; R645-301-150.

Analysis:

This amendment has been determined complete for review.

Findings

The permittee has met the minimum requirements of this section.

OPERATION PLAN

MINING OPERATIONS AND FACILITIES

Regulatory Reference: 30 CFR 784.2, 784.11; R645-301-231, -301-526, -301-528.

Analysis:

No changes.

Findings

The permittee has met the minimum requirements of this section.

ROAD SYSTEMS AND OTHER TRANSPORTATION FACILITIES

Regulatory Reference: 30 CFR Sec. 784.24, 817.150, 817.151; R645-301-521, -301-527, -301-534, -301-732.

Analysis:

Road Classification System

The permittee in Chapter 10 has not classified the road to the waste rock site. All roads must be classified as either primary or ancillary roads. This road should be classified as a primary road, since the road will be used in excess of six months.

TECHNICAL MEMO

Plans and Drawings

The permittee has asphalted the road to the waste rock site. This road meets the requirements of a primary road in the R645 Coal Rules. Therefore, the permittee must update the cross sections of this road as required in R645-301-527.200 and R645-301-527.210.

Primary Road Certification

A professional engineer will certify the design and construction or reconstruction of primary roads as meeting the requirements of R645-301-534.200 and R645-301-742.420.

Findings:

The permittee did not meet the minimum requirements of this section. Prior to approval the permittee must address the following R645 Coal Rules.

R645-301-512.250, The professional engineer will certify the design and construction or reconstruction of primary road as meeting the requirements of R645-301-534.200 and R645-301-742-420.

R645-301-527.100, The permittee must classify each road.

R645-301-527-200, R645-301-527.210, The plan must include a detailed description of each road and appropriate cross-section.

SPOIL AND WASTE MATERIALS

Regulatory Reference: 30 CFR Sec. 701.5, 784.19, 784.25, 817.71, 817.72, 817.73, 817.74, 817.81, 817.83, 817.84, 817.87, 817.89; R645-100-200, -301-210, -301-211, -301-212, -301-412, -301-512, -301-513, -301-514, -301-521, -301-526, -301-528, -301-535, -301-536, -301-542, -301-553, -301-745, -301-746, -301-747.

Analysis:

Impounding Structures

The permittee deleted the requirement of examine the impoundments four times per year. Structural weakness, erosion, and other hazardous conditions, if identified, will be reported See Page 2-18. R645-301-514.311 requires the permittee to do at least yearly inspections until the structures are removed. This information will be provided to the Division as a certified report as

required in R645-301514.312. In addition to a yearly-certified report, the permittee is also required to do quarterly reports as required by R645-301-514.320. This information will be retained at or near the mine site.

The permittee made a commitment in the MRP to do inspections of the sediment pond. A commitment should be left in the MRP since it is a requirement of the R645 Coal Rules. The Division would allow the Permittee to change the commitment to do quarterly inspection under R645-301-514.320 and a minimum of one yearly P.E. certified inspection required under R645-301-514.311. All reports will be retained at or near the mine site. Those reports will include the quarterly inspection by a qualified individual and a yearly inspection that is certified by a registered professional engineer.

Findings:

The permittee did not meet the minimum requirements of this section. Prior to approval the permittee must address the following R645 Coal Rules.

R645-301-514.311, Inspections will be made regularly during construction, upon completion of construction, and at least yearly until removal of the structure or release of the performance bond.

R645-301-514.320, The MRP will contain commitments to have the ponds inspected quarterly by a qualified individual and once a year by a registered professional engineer.

RECLAMATION PLAN

ROAD SYSTEMS AND OTHER TRANSPORTATION FACILITIES

Regulatory Reference: 30 CFR Sec. 701.5, 784.24, 817.150, 817.151; R645-100-200, -301-513, -301-521, -301-527, -301-534, -301-537, -301-732.

Analysis:

Reclamation

This road will be reclaimed as stated on Page 3-3.

TECHNICAL MEMO

Findings:

The permittee has met the minimum requirements of this section.

BONDING AND INSURANCE REQUIREMENTS

Regulatory Reference: 30 CFR Sec. 800; R645-301-800, et seq.

Analysis:

Determination of Bond Amount

The Permittee added the cost for removing the asphalt from the waste rock road. The Division reviewed those costs and found them to be adequate.

The current bond amount is \$3,000,000. The reclamation cost estimate for the Deer Creek Mine is \$2,469,000. Since the bond amount exceeds the reclamation cost estimate no change to the bond amount is needed.

The current MRP has reclamation cost estimates that go back to 1988 in Chapter X of the MRP, page 4-17 through 4-29. Since those costs are no longer relevant they need to be removed.

Findings:

The information submitted in the amendment is not considered adequate to meet the minimum requirements of this section of the regulations. Before, the Division can approve the amendment the Permittee must provide the following information in accordance with:

R645-301-830.140, R645-301-121.200 and R645-301-121.300, The Permittee needs to remove all outdated reclamation cost estimates from the MRP.

RECOMMENDATIONS:

The Division should deny the amendment until the Permittee adequately addresses all of the deficiencies.